

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

RICHARD CAMPOLITO, et al.,)	Case No. 4:02CV1793
)	
Plaintiffs,)	JUDGE PETER C. ECONOMUS
)	Magistrate Judge George J. Limbert
v.)	
)	
PRO INSURANCE AGENCY, INC., et al.,)	REPORT AND RECOMMENDATION
)	OF MAGISTRATE JUDGE
Defendants.)	

The instant matter came before the Court on Defendant Pro Insurance Agency, Inc., John Prokop, and Lisa Marie Prokop, aka Lisa Marie Tokarsky (collectively referred to as “Movants”), motion to stay the proceedings. ECF Dkt. #103.

I. MOTION TO STAY PROCEEDINGS

On March 21, 2003, Judge Peter C. Economus issued an order referring the instant case to the undersigned for general pre-trial supervision. ECF Dkt. #52. On June 11, 2003, the undersigned issued an opinion finding that the instant matter should be stayed during the pendency of the federal criminal investigation and as such, recommended that this Court stay the instant proceedings until June 11, 2004. ECF Dkt. #79. On July 23, 2003, this Court adopted the undersigned’s recommendation and granted Movants’ motion to stay the proceedings until June 11, 2004. ECF Dkt. #81. On May 27, 2004, the undersigned recommended that the stay be continued until June 11, 2005. ECF Dkt. #93. On June 15, 2004, this Court adopted the

undersigned's recommendation and granted Movants' motion to stay the proceedings. ECF Dkt. #94.

On June 3, 2005, Movants filed a third motion to stay the proceedings until the completion of the ongoing criminal investigation of Movants. ECF Dkt. #96. On July 25, 2005, this Court adopted the undersigned's recommendation and granted Movants' motion to stay the proceedings until January 3, 2006. ECF Dkt. #101.

On December 15, 2005, Movants filed a fourth motion to stay the proceedings in the instant case until the indictment of the Movants is completed. ECF Dkt. #103. On December 22, 2005, the undersigned conducted a status conference. Attorney Michael P. Marando appeared on behalf of Plaintiffs, Attorney Edward L. Lavelle appeared on behalf of Defendants Pro Insurance Agency, Inc., John Prokop, and Lisa Marie Tokarsky, and Attorney Megan Witzel appeared via telephone on behalf of Defendant IAC Securities, Inc. ("IAC").

In support of their motion, counsel for Defendants Pro Insurance Agency, John Prokop, and Lisa Marie Tokarsky represented that they have been indicted and the criminal trial is set for April 24, 2006. As such, counsel for Movants requested that this Court continue the stay of the instant proceedings until the completion of the criminal trial.

The parties agreed that the case could be stayed until April 24, 2006. The parties also agreed, in the companion case *Capogreco, et al., v. Pro Insurance Agency, Inc., et al.*, 4:01CV1608, to set the case for trial on October 2, 2005 at 9:00 a.m.. The final pretrial is set for September 22, 2006 at 9:00 a.m. and the discovery deadline and dispositive motion deadlines are set for August 31, 2006. The parties have also agreed to stipulate to the dismissal of Defendant IAC from the case by the end of the day today.

Upon consideration of the foregoing, the undersigned recommends that Movant's motion to stay the proceedings be granted in part and denied in part. Accordingly, the undersigned recommends that this Court enter an order staying the instant matter until April 24, 2006.

Further, the undersigned recommends that this Court set this case for trial on or about October 2, 2005, with the final pretrial to be held on or around September 22, 2006, and discovery deadline and dispositive motion deadline on or about August 31, 2006.

III. CONCLUSION

For the foregoing reasons, the undersigned recommends that this Court enter an order staying the instant matter until April 24, 2006. Further, the undersigned recommends that this Court set this case for trial on or about October 2, 2006, with the final pretrial to be held on or around September 22, 2006, and discovery deadline and dispositive motion deadline on or about August 31, 2006.

Date: December 22, 2005

/s/George J. Limbert
George J. Limbert
United States Magistrate Judge

ANY OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within ten (10) days of service of this notice. Failure to file objections within the specified time WAIVES the right to appeal the Magistrate Judge's recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).